



229/119  
Patent

Applicant or Patentee: Joel A. Drewes et al.  
Serial or Patent No.: 08/950,963  
Filed or Issued: October 15, 1997  
For: METHODS AND DEVICES FOR MASS TRANSPORT ASSISTED  
OPTICAL ASSAYS

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
**(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am:

☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the  
concern identified below:

NAME OF CONCERN: BIOSTAR, INC.  
ADDRESS OF CONCERN: 6655 Lookout Road  
Boulder, CO 80301

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the above-entitled invention, by inventor Joel A. Drewes, Gregory R. Bogart, Jeffrey B. Etter, Jeffrey W. Steaffens, Rachel M. Ostroff and Mark Crosby.

☐ the specification filed herewith  
☒ application serial number 08/950,963, filed October 15, 1997  
☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_ INDIVIDUAL \_\_\_\_ SMALL BUSINESS CONCERN \_\_\_\_ NONPROFIT ORGANIZATION

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_ INDIVIDUAL \_\_\_\_ SMALL BUSINESS CONCERN \_\_\_\_ NONPROFIT

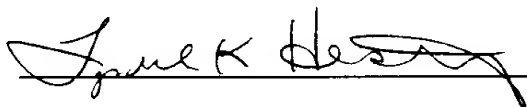
I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent on which this verified statement is directed.

NAME OF PERSON SIGNING: Lyndal K. Hesterberg

TITLE OF PERSON OTHER THAN OWNER: Executive Vice President of Scientific Affairs

ADDRESS OF PERSON SIGNING: BIOSTAR, INC.  
6655 Lookout Road  
Boulder, CO 80301

Signature  Date 16 Feb 98

**COMBINED DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHODS AND DEVICES FOR MASS TRANSPORT ASSISTED OPTICAL ASSAYS** the specification of which

\_\_\_\_\_ is attached hereto.

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_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	_____ Yes	_____ No
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I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

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I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Richard J. Warburg, Esq., Registration No. 32,327.

Kindly recognize as associate attorney:

Roland N. Smoot, Reg. No. 18,718; Conrad R. Solum, Jr. Reg. No. 20,467; James W. Geriak, Reg. No. 20,233; Robert M. Taylor, Jr., Reg. No. 19,848; Samuel B. Stone, Reg. No. 19,297; Douglas E. Olson, Reg. No. 22,798; Robert E. Lyon, Reg. No. 24,171; Robert C. Weiss, Reg. No. 24,939; Richard E. Lyon, Jr., Reg. No. 26,300; John D. McConaghy, Reg. No. 26,773; William C. Steffin, Reg. No. 26,811; Coe A. Bloomberg, Reg. No. 26,605; J. Donald McCarthy, Reg. No. 25,119; John M. Benassi, Reg. No. 27,483; James H. Shalek, Reg. No. 29,749; Allan W. Jansen, Reg. No. 29,035; Robert W. Dickerson, Reg. No. 29,914; Roy L. Anderson, Reg. No. 30,240; David B. Murphy, Reg. No. 31,125; James C. Brooks, Reg. No. 29,898; Jeffrey M. Olson, Reg. No. 30,790; Steven D. Hemminger, Reg. No. 30,755; Jerrold B. Reilly, Reg. No. 32,293; Paul H. Meier, Reg. No. 32,274; John A. Rafter, Jr., Reg. No. 31,653; Kenneth H. Ohriner, Reg. No. 31,646; Mary S. Consalvi, Reg. No. 32,212; Bradford J. Duft, Reg. No. 32,219; Suzanne L. Biggs, Reg. No. 30,158; Steven M. Weiss, Reg. No. 37,534; Matthew W. Knight, Reg. No. 36,846; F.T. Alexandra Mahaney, Reg. No. 37,668; Sheldon O. Heber, Reg. No. 38,179; Jeffrey W. Guise, Reg. No. 34,613; Charles S. Berkman, Reg. No. 38,077; Anthony C. Chen, Reg. No. 38,673; and Gary H. Silverstein, Reg. No. 39,372; of LYON & LYON, 633 West Fifth Street, Suite 4700, Los Angeles, California 90071, telephone (619) 552-8400.

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Full name of sole or first inventor Joel A. Drewes

Inventor's signature  Date: 3/10/98

Residence 14867 Buttonwood Court, Woodbridge, Virginia 22193 Citizenship USA

Post Office Address 14867 Buttonwood Court, Woodbridge, Virginia 22193

Full name of second inventor Gregory R. Bogart

Inventor's signature \_\_\_\_\_ Date: \_\_\_\_\_

Residence 708 Riverside Avenue, Raritan, New Jersey 08869 Citizenship USA

Post Office Address 708 Riverside Avenue, Raritan, New Jersey 08869

Full name of third inventor Jeffrey B. Etter

Inventor's signature \_\_\_\_\_ Date: \_\_\_\_\_

Residence 1318 Deer Trail Road, Boulder, Colorado 80302 Citizenship USA

Post Office Address 1318 Deer Trail Road, Boulder, Colorado 80302

Full name of fourth inventor Jeffrey W. Steaffens

Inventor's signature \_\_\_\_\_ Date: \_\_\_\_\_

Residence 1603 Waneka Lake Trail, Lafayette, Colorado 80026 Citizenship USA

Post Office Address 1603 Waneka Lake Trail, Lafayette, Colorado 80026

Full name of fifth inventor Rachel M. Ostroff

Inventor's signature \_\_\_\_\_ Date: \_\_\_\_\_

Residence 10203 King Court, Westminster, Colorado 80030 Citizenship USA

Post Office Address 10203 King Court, Westminster, Colorado 80030

Full name of sixth inventor Mark Crosby

Inventor's signature \_\_\_\_\_ Date: \_\_\_\_\_

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Full name of second inventor Gregory R. Bogart

Inventor's signature *Gregory R. Bogart* Date: Feb 16, 1998

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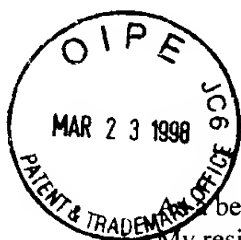
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